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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,323	04/01/2004	Joseph Benjamin Brief	51400 (GCSD1550)	9133
27975	7590	02/01/2006	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			KANG, JULIANA K	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,323

Applicant(s)

BRIEF ET AL.

Examiner

Juliana K. Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 10-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's arguments filed December 8, 2005, with respect to the reconsideration and withdraw of the restriction requirement have been fully considered and are persuasive. Thus the restriction requirement is hereby withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fujiwara et al(JP 10-160968).

Fujiwara et al disclose a module for securely retaining therein a pair of multi fiber optic MT ferrules (35) comprising: a base member (23) having a ferrule retention cavity that is configured to retain a pair of fiber optic MT ferrules and an associated pin clamp assembly (shown in Fig. 1 between 35 and 36); a cover (21) that is configure to engage the base; and a bias compression spring (33) that is captured between the cover and the base.

4. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa et al (U.S. Patent 6,632,023 B1).

Ogawa et al disclose a module for securely retaining therein a pair of multi fiber optic MT ferrules comprising: a generally rectangular base member (5A) having a ferrule retention cavity that is configured to retain a pair of mutually face-to-face abutting

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fiber optic MT ferrules (70, 4); and a cover (60) that snap-fit locked using latches (62, 64) onto the base member

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al as applied to claim 8 and further in view of Shiraishi et al (U.S. Patent 6,754,960 B1).

Ogawa et al disclose the claimed invention except a bias compression spring that is captured between the cover and the base in a manner that facilitates removal of the cover to gain access to the two MT ferrules retained thereby. Shiraishi et al teach using a bias compression spring that removes the pivoted cover from the base. Since Ogawa et al also teach removing the pivoted cover from the base (shown in Fig. 10), using a bias compression spring in Ogawa et al as taught by Shiraishi et al would have been obvious to one having ordinary skill in the art at the time the invention was made to use make the removing the cover easier.

Allowable Subject Matter

7. Claims 2-6 and 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The feature of claims 2-6 and 10-14 wherein a pair of generally inverted L-shaped rails that extend above the side walls of the ferrule retention cavity of the base member to accomplish the applicant's invention, in combination with the other claimed features is not disclosed or suggested by prior art made of record.

8. Claim 7 is allowed.

There is no prior art made of record that teaches or reasonably suggest a method of securely retaining a pair of fiber optical MT ferrules with all the specific elements with the specific combination including feeding the fiber ribbon cable through a slot in a foot member of the cover and sliding the cover along the top surface of the base member so that the foot member rides up and over a lip in the base member as set forth in claim 7.

Conclusion

9. The prior art documents submitted by applicant have been considered and made of record (note the attached copy of form PTO-1449).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grois et al (U.S. Patent 6,505,976 B1) teach a cover snaps to the housing using latches.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (571) 272-2348. The examiner can normally be reached on Monday through Thursday 8:00 AM-2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JULIANA KANG
PRIMARY EXAMINER

Juliana Kang
1/31/06